

**Applicant:** Mending Broken Hearts Ministries

**Agent:** Orlando Olivas

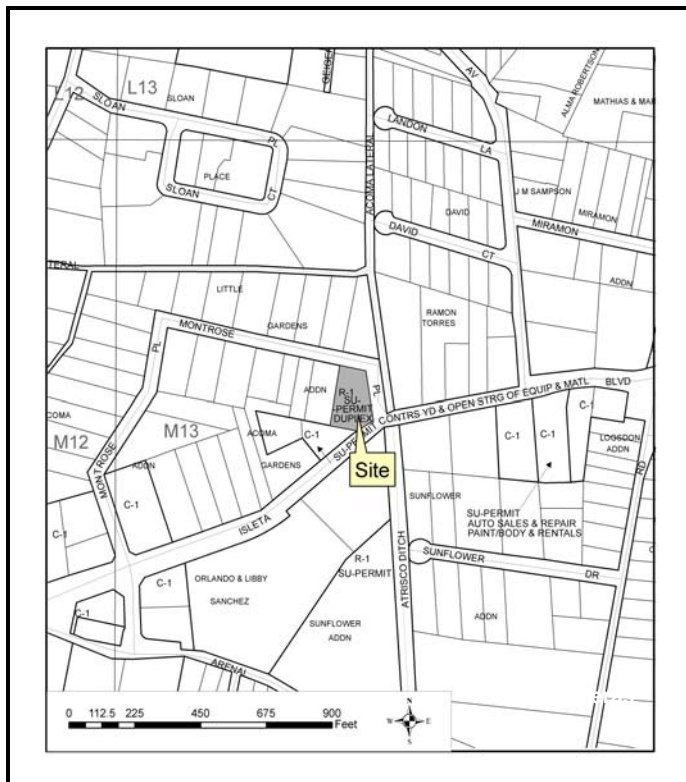
**Location:** 1209 Isleta Boulevard

**Property Size:** Approximately .53 acres

**Existing Zone:** R-1

**Proposed Request:** C-N

**Recommendation:** Denial



**Summary:** The applicant is requesting approval of a zone map amendment from R-1 to C-N on a site located at 1209 Isleta Boulevard SW, located between Montrose Place and Isleta Boulevard SW. The site is located in the Semi Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area 3 of the Southwest Area Plan.

**Staff Planner:** Enrico Gradi, Program Planner

**Attachments:**

1. Application
2. Land Use and Zoning Map
3. Letters of Neighborhood Opposition

Bernalillo County Departments and other interested agencies reviewed this application from 5-23-06 to 6-12-06.

Agency comments were used verbatim in preparation of this report, and begin on page 12.

**AGENDA ITEM NO.: 12**  
**County Planning Commission**  
**July 12, 2006**

CZ-60013      Orlando Olivas, agent for Mending Broken Hearts Ministries, requests approval of a zone map amendment from R-1 to C-N on Lot 1, Little Gardens Subdivision, located at 1209 Isleta Boulevard SW, containing approximately .53 acres. (M-13)

**AREA CHARACTERISTICS AND ZONING HISTORY**

**Surrounding Zoning & Land Uses**

<b>Site</b>	<b>Zoning</b>	<b>Land Use</b>
	R-1 with a Special Use Permit for a Duplex	Church and Multi Family Dwelling
<b>North</b>	R-1	Single Family Dwelling
<b>South</b>	C-1 with a Special Use Permit for a Contractor's Yard	Contractor's Yard
<b>East</b>	R-1	Single Family Dwelling
<b>West</b>	R-1	Single Family Dwelling

## **BACKGROUND:**

### **The Request**

The applicant is requesting approval of a zone map amendment from R-1 to C-N on a site located at 1209 Isleta SW, located between Montrose Place and Isleta Boulevard SW. On the site there is a church and a duplex. The applicant is proposing to renovate the duplex in order to house the offices for a non-profit organization.

Case histories show previous conditional use approvals were granted in 2000 to allow for a church and incidental facilities (ZA-68), but that authorization for that use expired in September 2001. The Zone Atlas and historical information also show that various zone change and SUP requests have occurred (CZ-78-38, CSU-80-54, CSU-85-21), and that the existence of a duplex or triplex was noted at some point in the past.

### Request Justification

The applicant explains that this request is consistent with Resolution 116-86 in that there are changed neighborhood conditions in the area and the applicant sites several Special Use Permits for residential development in the immediate vicinity. In addition the applicant maintains that the development of Neighborhood Commercial property in the area provides a needed service to an area that is approved for a considerable of residential development.

### **Surrounding Land Use and Zoning**

Recent land use and zoning in the vicinity of this request include a Special Use Permit approximately 400 feet east of the subject site. At the October 6, 1999 public hearing, the Extraterritorial Land Use Commission voted to recommend approval of a Special Use Permit for a Specific Use for Auto Sales, Auto Repair (Paint and Body Shop), and Truck Rentals located on 1016 Isleta Boulevard SW. The site is zoned C-1 and contains approximately 1.11 acres. On November 23, 1999, the request was approved by the Bernalillo County Board of Commissioners.

## **APPLICABLE PLANS AND POLICIES:**

### **Albuquerque/Bernalillo County Comprehensive Plan**

The site is within the Semi Urban Area as designated in the Comprehensive Plan. The goal in the Comprehensive Plan is to "maintain the character and identify of semi urban areas, which have environmental, social or cultural conditions limiting urban land uses."

### Land Use:

**Policy a** states that "development in the semi-urban area "shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; the overall gross density shall be up to three dwelling units per acre."

**Policy b** states "development in semi-urban areas shall include trail corridors, where appropriate, and shall be compatible with economic policies and historical and socio-cultural values, and shall maintain and integrate existing and new buildings and spaces of local significance into the community."

**Policy c** states that

- “Mixed use areas should protect residential uses in the area, while offering a variety of local employment opportunities.”
- “Strip commercial development is discouraged in favor of clustered commercial development.”

**Southwest Area Plan (SWAP)**

The site is located in Residential Area Three of the Southwest Area Plan.

**Policy 26 (g)** allows a maximum residential density of three dwelling units per net acre when city sewer services are available.

**Policy 8** states “Isleta Boulevard shall be recognized and treated as a historic route. Any modifications on Isleta Boulevard shall protect, rehabilitate and enhance the historic. Cultural and economic significance of this important segment of the 'Camino Real'”

**Policy 9** states “Protect the fragile landforms and air quality in the plan area, new development or major modifications roads and other public facilities shall adapt to existing natural environment, topography, soils, vegetation, geology, and hydrology.”

- f. Prohibit excessive cuts and fills that scar the natural landscape and create unstable soil and erosion conditions.

**Policy 19** states “All development and subdivisions shall be required to limit the level of water runoff generated from new construction or paving in order to reduce velocity and volume of runoff, and to ensure the viability and capacity of down stream facilities.

**Policy 21** states “The five historic village centers, shall re-integrate historic buildings and sites of local interest and function as an area to meet the community’s day to day needs.

- b. Reintegrate historic buildings and spaces of local interest into the historic village centers and surrounding village centers. Allow adaptive reuse of historic buildings and places that hold significant value as identified by the community.

**Policy 25** states “The County and City stabilize residential zoning and land use in the plan area.”

- e. Encourage C-2, M-1 and M-2 land uses in the area located south of Woodward and east of Second Street, and the southwest corner of I-40 and Paseo del Volcan, to promote areas of primary development.
- g. Encourage stabilization of residential land use through subdivision design and scale.

**Policy 28** states that the areas located between I-25 and Second Street and the area south of I-40 and west of Paseo del Volcan shall be used as primary employment areas due to their location relative to transportation facilities (rail and highway).

**Policy 30** states, "Standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties."

- a. Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.
- b. Encourage landscaped areas within lots to break up large expanses of paved area and enhance pedestrian access.

**Policy 32** states... "Increase the visual character and quality of the streetscape and overall development by encouraging enhanced use of required perimeter walls."

- a. Discourage long expanses of uninterrupted wall surface and encourage walls to be indented, offset, or in a serpentine form to avoid a tunnel effect.

**Policy 42** states, Industrial development shall be in accordance with existing environmental and geological conditions.

- c. Restrict new industrial development in areas of fragile soil conditions or in geographically unfit areas, unless indisputable evidence is presented that the area will not be adversely affected.
- d. Locate industrial development in areas with appropriate road design, drainage and infrastructure conducive to industrial activity.

Limit the scale of industry to an appropriate compatible and sustainable level considering environmental factors such as soil conditions, water availability, air quality, noise and suitable geologic formations.

### **Bernalillo County Zoning Ordinance**

**Resolution 116-86** defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.

- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 1. An error in the original zone map.
  - 2. Changed neighborhood conditions, which justifies a change in land use or
  - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse

land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

**Section 19: Landscaping and Buffer Landscaping Regulations:**

Where a nonresidential zone which is hereafter developed for a business purpose abuts a residentially zoned property, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.
  - 1. Sites of one acre or less:
    - a. There shall be a landscaped setback along all streets of no less than ten feet.
    - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
    - c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback shall contribute toward this requirement.
  - 2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of no less than 15 feet. All other requirements same as 1.b. and 1.c. above.
- B. In a nonresidential zone, a solid wall or a solid fence at least six feet high shall be erected on sides abutting a single family residential use, except for those sides abutting public right-of-way.
- E. Landscaping which dies shall be replaced by the property owner who is obligated to provide it as expeditiously as possible, but in no case longer than 30 days after notification. If the 30-day period falls at a time of the year when planting of landscaping is inadvisable, a waiver may be granted by the Zoning Administrator to allow planting at the earliest possible time. The waiver and date of the planting deadline shall be recorded by the County Zoning Office.
- G. Parking spaces within a parking lot shall be no more than 50 feet from a tree.
- H. Nonconforming Landscaping. Premises which, when they were developed, were not required to be developed in accordance with the Landscaping and Buffer Landscaping Regulations Section of this ordinance, shall be made to conform with this regulation within two years due to the amendment of the map or text of this ordinance.

## **ANALYSIS:**

### **Surrounding Land Use and Zoning**

The applicant is requesting approval of a zone map amendment from R-1 to C-N on a site located at 1209 Isleta SW, located between Montrose Place and Isleta Boulevard SW. The site is located adjacent to C-1 zoning with a Special Use Permit for a Contractor's Yard to the south. The north, east and west sides of the site are adjacent to R-1 zoning with single-family dwellings.

### **Plans**

#### Albuquerque/Bernalillo County Comprehensive Plan

This site is located in the Developing Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.

Land use policy a states that the Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre. Further, Policy d establishes that the location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern.

Comprehensive Plan policy I call for employment and service uses for this area to complement residential areas and be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments. Given these criteria, it appears that the proposed use may add additional opportunities for commercial development. Although it is unclear that the C-1 zone contains a range of uses which may be inconsistent with the Comprehensive Plan policy I of providing neighborhood serving commercial services which compliment the neighborhood in a manner which reduces noise, pollution, traffic or increased light pollution for the surrounding neighborhood.

#### Southwest Area Plan (SWAP)

SWAP Policy 44 promotes small scale community commercial centers which foster a market place atmosphere; improve profit for small businesses; provide jobs; and circulate dollars within the area economy to enhance a community environment and meet retail, recreational and service needs of South Valley residents. In addition, Policy 41 recommends a balance between economic development and the quality of life for existing communities as well as for newly developed areas.

### **Zoning Ordinance**

Resolution 116-86 states the criteria for evaluating a requested zone change or Special Use Permit. The applicant must demonstrate that the existing zoning is inappropriate because of 1) an error in the original zone map; 2) changed neighborhood conditions which justifies a change in land use; or 3) that a different use category is more advantageous to the community as articulated in a County adopted plan. Although there have been changed neighborhood conditions for some types of commercial activity, the proposed C-N zone may contain some uses that may impact the adjacent neighborhood.

### Agency Comments

Comments from the Zoning Administrator points out that the applicants proposed uses are more consistent with the O-1 zone rather than the C-N which the application requests.

The Bernalillo County Office of Environmental Health states that a septic tank permit exists on the site and the septic tank associated with this permit must be abandoned per County ordinance.

The Public Works Division states that this request is subject to the Bernalillo County Code Chapter 38. Prior to any development or additional development of this property, a drainage submittal meeting the requirements of this code will be required.

### Analysis Summary

Zoning	
Resolution 116-86	This request is inconsistent with Resolution 116-86 in that potential land uses in the C-N zone does not encourage a small-scale, locally-owned and operated industry that complements residential areas.
Plans	
Comprehensive Plan	The request attempts to address the goals of the Comprehensive Plan of encouraging a small-scale, locally owned and operated industry that complements residential areas. However, the C-N zone contains some permissive uses, which do not fall in the category of neighborhood serving commercial.
Area Plan	Policy 41 of the Southwest Area Plan calls for balancing economic development and the quality of life for existing communities as well as for newly developed areas. Although this request represents a change of use the potential impact to the surrounding area may not integrate with surrounding residential uses.
Other Requirements	
Environmental Health	Applicant has water and sewer availability. Septic tank permits exist on the site and the septic tank associated with this permit must be abandoned per county ordinance.
Public Works	This request requires a drainage submittal.

**Conclusion**

Some of the permissive uses identified in the C-N zone such as a nursery or greenhouse business with related outside storage or materials and stock & trade, a service station (gas station) and associated garage for minor auto repair activities, and a firewood sales yard. Conditional use approval would authorize the operation of a bar/lounge/liquor store, drive-in restaurant, or an animal hospital. The potential uses in the C-N do not appear to clearly meet the intent of the Comprehensive Plan.

The applicant's requested C-N contains permissive uses, which are too intense to be located immediately adjacent to residential uses. There are other zoning categories, such as the O-1 zone, which may act as better transition than the requested C-N zone.

**RECOMMENDATION:**

Denial of CZ-60013 based on the following Findings.

Enrico Gradi  
Program Planner

**Findings:**

1. This is a request for a zone map amendment from R-1 to C-N on Lot 1, Little Gardens Subdivision, located at 1209 Isleta Boulevard SW, containing approximately .53 acres.
2. This request is not consistent with Resolution 116-86 in that the applicant has failed to demonstrate that the existing zoning is inappropriate.
3. This request is in conflict with Resolution 116-86, in that the proposed land use category may be detrimental to the public interest, health, safety, and general welfare of the area.
4. The request conflicts with Resolution 116-86 in that the Albuquerque/Bernalillo County Comprehensive Plan encourages small-scale, locally owned and operated industry that complements residential areas, several uses in the C-N zone contain permissive uses which do not compliment the surrounding residential uses.
5. This request is in conflict with Resolution 116-86 in that there was not an error when the original zone map was created, and this requested land use change will not be advantageous to the surrounding area.
6. This request conflicts with the Albuquerque/Bernalillo County Comprehensive Plan in that Policy i states that employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

## **BERNALILLO COUNTY DEPARTMENT COMMENTS**

### **Environmental Health:**

GIS. Acct. 23036143 is for the main structure and acct. 23036148 is for the dwelling.

The HSTL-80303 septic tank permits still exists and the septic tank associated with this permit must be abandoned per county ordinance.

### **Zoning Administrator:**

The stated purpose of the C-N zone (Sec. 13 of the Zoning Ordinance) is "to provide for retail business and services serving primarily the residents of the neighborhood and to minimize any adverse effect on nearby residential development." The zone allows for a variety of office, institutional, retail and commercial activities, and essentially incorporates certain C-1 uses into the less-severe O-1 allowances. Single-family residential development is also permitted in the C-N zone as allowed and described under R-1 standards.

Some of the more intense uses allowed permissively in the C-N zone include a nursery or greenhouse business with related outside storage or materials and stock & trade, a service station (gas station) and associated garage for minor auto repair activities, and a firewood sales yard. Conditional use approval would authorize the operation of a bar/lounge/liquor store, drive-in restaurant, or an animal hospital.

Buildings or structures in the C-N zone are generally limited to a height of 26 feet, but may exceed that limitation if designed to meet the 45 degree allowance as described in the R-2 zone (Sec. 10.C.). Additionally, a 30-foot front yard and 15-foot rear yard setback distance is required, and the total building floor area for a single business is limited to no more than 4,000 square feet.

Future development, or activities which are in existence and would continue if the request were to be approved, are subject to other applicable zoning regulations, including off-street parking and landscaping standards.

### **CASE-SPECIFIC COMMENTS**

KIVA indicates that previous conditional use approval was granted in 2000 to allow for a church and incidental facilities (ZA-68), but that authorization for that use expired in September 2001. The Zone Atlas and historical information also show that various zone change and SUP requests have occurred (CZ-78-38, CSU-80-54, CSU-85-21), and that the existence of a duplex or triplex was noted at some point in the past.

Most interesting, however, is the applicant's stated intention for the proposed use of the property as compared to those uses, which would be allowed to occur if the zone change were to be approved. As the use of the property for a church and office are allowed activities specifically mentioned in the O-1 zone (a less intense zone with fewer

"problematic" possibilities) it is not clearly understood at this time why the proposal seeks to jump to C-N zoning for the property. The applicant is certainly permitted to make this request, but with the location of residential uses and activities in the area, as well as their stated intention to comply with the area plan and policies, it should be noted that if the C-N change were to be approved, more uses than just a church and/or office complex could occur from the site.

Zoning Enforcing Manager:

Must comply with below listed comments.

Note:

The intensity use falls under C-1 Zone Requirements, however the size of building and propose use density is greater than normally (The removal of large commercial buildings from future special use cancellation would be hard to enforce against) allowed in established residential zones.

Based on plan submitted shall comply with zoning requirements for C-1 uses abutting residential zone.

Shall comply with Landscape Regulations for commercial uses abutting residential zone

Shall comply with the Off-Street Parking Regulations.

Shall comply with all applicable zoning requirements for this project.

No other adverse comments at this time

Building Department Manager:

There are expired electrical and plumbing permits that require resolution as a condition of approval.

Fire:

No comment received

Public Works:

DRAN:

1. This property is subject to the Bernalillo County code chapter 38. Prior to any development or additional development of this property a drainage submittal meeting the requirements of this code will be required.

DRE:

No adverse comment

Parks & Recreation:

No adverse comment

Sheriff's:

No comment received

**COMMENTS FROM OTHER AGENCIES**

MRGCOG:

No comment

AMAFCA:

No comment

City Public Works:

Transp. Planning:

No adverse comment

Transp. Development:

No adverse comment

Water Resources:

No adverse comment

City Planning:

No adverse comment

City Transit:

No adverse comment

ABCWUA Utility Development Section:

City Environmental Health:

No adverse comment

City Open Space:

No adverse comment

NM Department of Transportation:

No adverse comment

Albuquerque Public School:

No adverse comment

**NEIGHBORHOOD ASSOCIATIONS:**

COUNTY PLANNING COMMISSION  
JULY 12, 2006  
CZ-60013

South Valley Coalition of Neighborhoods  
South Valley Alliance